

REMARKS

Reconsideration is courteously requested. Undersigned understands that the subject amendment was previously submitted by Mr. Jeffery Cameron, Esq. as a proposed amendment, Mr. Cameron and the Examiner subsequently reaching an agreement regarding the patentability of the amended claims relative to the references of record.

Claims 4, 18, 19, and 20 each have been amended for the sake of clarity, more particularly to conform the preambles thereof to the claim(s) from which they depend, and/or correct the dependency itself.

Rejections under §112

The Examiner rejected Claim 11, stating that the subject matter of Claim 11 was not disclosed in the subject application. Applicant believes that the specification supports same, however Applicant has canceled, without prejudice, this claim, the basis of rejection being moot.

Rejections under §103(a)

The Examiner rejected Claims 1-11 and 13-22 under §103(a) as being obvious in view of the combination of Maddock with Lyon.

Applicant has amended the independent claims (i.e., claims 1, 5, 17, 21, and 22) to further clarify the claimed subject matter.

Claim 1 requires that the article have a plurality of surfaces, a first characteristic on one surface and a second

characteristic on a second surface, and that the article be constructed to have only one identifiable characteristic viewable when housed with a plurality of articles. This structure is not defined or suggested in the Maddock reference, nor is it defined or suggested in the Lyon reference.

Claim 5 requires that the plurality of articles be packaged together in packaging that surrounds the articles on at least two sides, and that the first identifiable characteristic be provided on the article and in alignment along one side of the packaging, while the second identifiable characteristic, also provided on the article, be aligned along a second side. The Maddock reference does not have a plurality of articles with two identifiable characteristics on each article, nor does it suggest such an orientation. The Lyon reference cannot provide such a structure, since the bands that provide the identification surround the cylindrical articles. Accordingly, Applicant believes this claim is patentably distinct thereover, and thus allowable.

Claims 17, 21, and 22 require that the identifiable characteristics be positioned on the article itself. The Maddock reference does not teach or suggest this arrangement of the characteristics. Specifically, the characteristics in the reference are on the outside of a case into which articles are placed and wherein the case encloses the articles for breaking and disposal of the articles. It would not be advantageous to have the

characteristics on the articles themselves because they are enclosed in the case and therefore the characteristics would not be viewable by a user. Further, the claim provides that the perceptions are located on the end of the article and therefore are viewable when viewed from the end of the article. The Lyon reference does not have its characteristics arranged in this way, nor could they be arranged to be viewable from an end of the tank.

Claim 21 requires that a plurality of articles each have two identifiable characteristics thereon and that one characteristic be aligned along one wall of the packaging surrounding a plurality of articles, and the other characteristic be aligned along another wall of the packaging. It is clear that the structures of both Maddock and Lyon do not teach or suggest such a structure. Accordingly, Applicant believes this claim to be allowable.

Claim 22 requires that each of a group of articles have a first end having a first identifiable characteristic positioned thereon, and a second end having a second identifiable characteristic positioned thereon, with the characteristics being differentiable from each other. The articles are arranged having the first end viewable by a user, such that all of the first identifiable characteristics are viewable by the user. Neither of the relied upon references, separately or in combination, show the claimed structure and, therefore, Applicant believes the claim is patentably distinct over the combination, and therefore allowable.

Conclusion

It is respectfully submitted that independent Claims 1, 5, 7, 17, 21, and 22 are patentably distinct over the cited references and accordingly, Applicant respectfully requests that the claims be reconsidered and a notice of allowance subsequently issue. Additionally, Applicant believes that the remaining claims that are dependent upon the independent claims are further differentiated from the cited prior art based upon the amendments to the independent claims and are, therefore, allowable based upon those amendments as well as providing further limitations that render the claims allowable.

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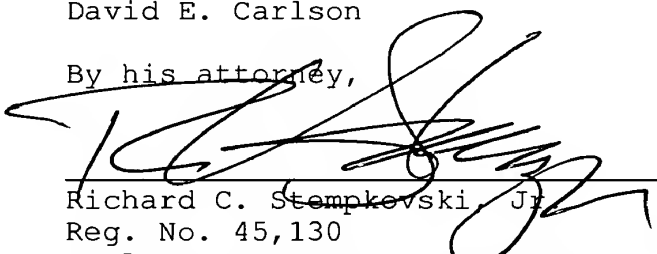
Respectfully submitted,

David E. Carlson

By his attorney,

Date

12/11/02


Richard C. Stempkowski, Jr.
Reg. No. 45,130
NAWROCKI, ROONEY & SIVERTSON, P.A.
Suite 401, Broadway Place East
3433 Broadway St. N.E.
Minneapolis, MN 55413
(612) 331-1464



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APPENDIX A: Support for Claim Amendments

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The following amendments are sought for entry, underlined material added, bracketed parts deleted:

1. **(Twice Amended)** An article for easy identification, classification, and inventory tracking, comprising [said article], a first perception and a second perception for differentiating articles, said article having a plurality of surfaces and said first perception being provided by a first identifiable characteristic located on one said surface and said second perception being provided by a second identifiable characteristic located on a second surface, said article constructed to have only one identifiable characteristic viewable when housed with a plurality of articles [another of said surfaces].

4. **(Twice Amended)** The article according to Claim [3] 1, wherein said first identifiable characteristic is a first color and said second identifiable characteristic is a second color.

5. **(Twice Amended)** A plurality of articles comprising, each said article having a first perception and a second perception for differentiating said articles provided thereon, said articles packaged together in a package surrounding said plurality of articles on at least two sides and wherein said articles are aligned such that said first identifiable characteristics are

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aligned along one side of the packaging and said second identifiable characteristics are aligned along a second side of the packaging, each said article constructed to have only one identifiable characteristic viewable when housed with a plurality of articles.

7. **(Twice Amended)** An article comprising a first perception and a second perception, said article having a plurality of surfaces and said first perception being provided by a first identifiable characteristic located on one said surface and said second perception being provided by a second identifiable characteristic located on another of said surfaces, said article constructed to have only one identifiable characteristic viewable when housed with a plurality of articles.

18. **(Twice Amended)** The [method] article according to Claim [17] 7, wherein said article has a plurality of surfaces and wherein said first perception is provided by an identifiable characteristic comprising [the] a shape of one of said surfaces.

19. **(Twice Amended)** The [method] article according to Claim 18, wherein the shape of said surface comprising said identifiable characteristic is a topographical change to said surface.

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20. **(Twice Amended)** The [method] article according to Claim 18, wherein the shape of said surface comprising said identifiable characteristic is a change to the perimeter of said surface.

21. **(Amended)** A package of bulk articles having a plurality of articles arranged therein, said package comprising;
packaging material surrounding said plurality of articles on
at least two sides;
each said article constructed and arranged to be identified,
as being in a first state, by a first characteristic
positioned on said article when in the first state and
constructed and arranged to be identified as being in a
second state, by a second characteristic positioned on
said article when in the second state, said articles
aligned such that said first characteristic of each said
article is aligned along one side of said packaging and
such that each said second characteristic is aligned
along a second side of said packaging, each said article
constructed to have only one identifiable characteristic
viewable when housed with a plurality of articles.

22. **(Amended)** A plurality of grouped articles, each said
article having a first end and a second end, said first end having

a first identifiable characteristic positioned thereon and said second end having a second identifiable characteristic positioned thereon and being differentiable from said first identifiable characteristic, said articles arranged having said first end viewable by a user, such that all of said first identifiable characteristics are viewable by the user, each said article constructed to have only one identifiable characteristic viewable when housed with a plurality of articles.